

SECTION L - INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

L.1 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):

<http://www.arnet.gov/far/>.

I. FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) PROVISIONS

NUMBER	Titles	DATE
52.222-24	PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE REVIEW	FEB 1999
52.215-1	INSTRUCTIONS TO OFFERORS- COMPETITIVE ACQUISITION (ALTERNATE I)	OCT 1997
L.2 52.204-6	DATA UNIVERSAL NUMBERING SYSTEM (DUNS)	JUN 1999

(a) The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "DUNS" followed by the DUNS number that identifies the offeror's name and address exactly as stated in the offer. The DUNS number is a nine-digit number assigned by Dun and Bradstreet Information Services.

(b) If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one. A DUNS number will be provided immediately by telephone at no charge to the offeror. For information on obtaining a DUNS number, the offeror, if located within the United States, should call Dun and Bradstreet at 1-800-333-0505. The offeror should be prepared to provide the following information:

- (1) Company name.
- (2) Company address.

- (3) Company telephone number.
- (4) Line of business.
- (5) Chief executive officer/key manager.
- (6) Date the company was started.
- (7) Number of people employed by the company.
- (8) Company affiliation.

(c) Offerors located outside the United States may obtain the location and phone number of the local Dun and Bradstreet Information Services office from the Internet home page at <http://www.customerservice@dnb.com>. If an offeror is unable to locate a local service center, it may send an e-mail to Dun and Bradstreet at globalinfo@mail.dnb.com.

**L.3 52.215-20 REQUIREMENTS FOR COST OR PRICING DATA OR
INFORMATION OTHER THAN COST OR PRICING DATA
(OCT 1997)**

(a) Exceptions from cost or pricing data. (1) In lieu of submitting cost or pricing data, offerors may submit a written request for exception by submitting the information described in the following subparagraphs. The Contracting Officer may require additional supporting information, but only to the extent necessary to determine whether an exception should be granted, and whether the price is fair and reasonable.

(i) Identification of the law or regulation establishing the price offered. If the price is controlled under law by periodic rulings, reviews, or similar actions of a governmental body, attach a copy of the controlling document, unless it was previously submitted to the contracting office.

(ii) Commercial item exception. For a commercial item exception, the offeror shall submit, at a minimum, information on prices at which the same item or similar items have previously been sold in the commercial market that is adequate for evaluating the reasonableness of the price for this acquisition. Such information may include--

(A) For catalog items, a copy of or identification of the catalog and its date, or the appropriate pages for the offered items, or a statement that the catalog is on file in the buying office to which the proposal is being submitted.

Provide a copy or describe current discount policies and price lists (published or unpublished), e.g., wholesale, original equipment manufacturer, or reseller. Also explain the basis of each offered price and its relationship to the established catalog price, including how the proposed price relates to the price of recent sales in quantities similar to the proposed quantities;

(B) For market-priced items, the source and date or period of the market quotation or other basis for market price, the base amount, and applicable discounts. In addition, describe the nature of the market;

(C) For items included on an active Federal Supply Service Multiple Award Schedule contract, proof that an exception has been granted for the schedule item.

(2) The offeror grants the Contracting Officer or an authorized representative the right to examine, at any time before award, books, records, documents, or other directly pertinent records to verify any request for an exception under this provision, and the reasonableness of price. For items priced using catalog or market prices, or law or regulation, access does not extend to cost or profit information or other data relevant solely to the offeror's determination of the prices to be offered in the catalog or marketplace.

(b) Requirements for cost or pricing data. If the offeror is not granted an exception from the requirement to submit cost or pricing data, the following applies:

(1) The offeror shall prepare and submit cost or pricing data and supporting attachments in accordance with Table 15-2 of FAR 15.408.

(2) As soon as practicable after agreement on price, but before contract award (except for unpriced actions such as letter contracts), the offeror shall submit a Certificate of Current Cost or Pricing Data, as prescribed by FAR 15.406-2.

L.4 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of a **fixed price type with award-fee contract with a three-year base period and 7 one-year options resulting from this solicitation**. The award-fee will be awarded by the Government solely at its discretion.

L.5 52.233-2 SERVICE OF PROTEST (AUG 1996)

- (a) Protests, as defined in Section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO) shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

Chief, Procurement and Property Branch
Federal Bureau of Prisons
320 First Street N.W. (5006)
Washington, D.C. 20534

- (b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

L.6 PROPOSAL PREPARATION INSTRUCTIONS - GENERAL

- (a) General -

Proposals are expected to conform to, and be prepared in accordance with, FAR 52.215-1, Instructions to Offerors--Competitive Acquisition (contained in this solicitation). To aid in evaluation, proposals shall be clearly and concisely written as well as neat, indexed (cross-indexed as appropriate) and logically assembled. All pages of each part shall be appropriately numbered and identified with the name of the offeror, date and RFP number to the extent practicable. Unless explicitly stated otherwise, **the proposal text shall be typed, using Courier New, Size 12, 1.5 spaced and printed-unreduced in size on 8 ½ x 11 inch paper.**

- (b) Overall Arrangement of Proposal

- (1) The overall proposal shall consist of four physically separate volumes, individually entitled as stated below. The required quantity of each volume is shown in the matrix below. Each copy of each volume shall be numbered sequentially.
- (2) Signed Originals - The first copy of each Volume I shall contain the signed original of all documents requiring signature by the offeror.

- (3) Multiple Proposals. Offerors may submit more than one proposal in response to the RFP. Offerors shall submit a separate Volume I for each proposal submitted in the number of copies listed below. Offerors may avoid submitting redundant information in Volume 2 by following instructions at L.8.2)(a)(3). Offerors need only make one submission of Volume #3 information, regardless of the number of proposals offered.

<u>Proposal Volume</u>	<u>Total Copies Required</u>
Volume #1	2 (1 copy with original signatures)
Volume #2	10(Paper Copies Accompanied by Multi-Media ([See L.8])
Volume #3	1 (Multi-Media See L.9)
Volume #4	3 (Paper Copies Accompanied by Multi-Media [See L.10])

**L.7 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME #1:
OFFER AND OTHER DOCUMENTS**

Volume #1 consists of the actual offer to enter into a contract to perform the desired work. It also includes required representations, certifications, other statements of the offeror and any other administrative information.

- (a) Format and Content - The Volume shall include the following documents in the order listed:
- (1) Fully executed Optional Form (OF) 308, Solicitation and Offer Negotiated Acquisition
 - (2) Pricing Schedules (extracted from Section B)
 - (3) Fully executed Offeror Representations, Certifications and Other Statements (extracted from Sections G, J, K and L as applicable)
 - (4) Decisional Rule Criteria (in accordance with Section L)
 - (5) State and Local Legal Authority (in accordance with Section L)
 - (6) BOP Contract Business Management Questionnaire (Section J, Attachment #9)
 - (7) Small Business Subcontracting Plan (Section J, Attachment #10)
 - (8) Offerors Operational Estimate (Section J, Attachment #11)
- (b) The Proposal Form

- (1) Use of the Form. OF 308, Solicitation and Offer Negotiated Acquisition, which is Section A of the RFP, shall be fully executed by the offeror and shall be the first page of each copy of Volume I.
- (2) Acceptance Period. The acceptance period shall be no less than the period of time entered by the Government on the OF 308 in Block 4.
- (3) Signature Authority. The individual signing the OF 308, shall provide proof they have the authority to commit the offeror to all requirements of the proposal, fully recognizing the Government has the right, by terms of the RFP, to make award without further discussions if it so elects. This individual shall also be required to attend any and all negotiations and pre-performance conferences, etc.

(c) Decisional Rule Criteria

The preparation of this information is critical. If the proposal does not meet the requirements of the Decisional Rule Criteria as defined in Section M, it shall not be evaluated. The Decisional Rule Criteria must be sufficient unto itself for a determination whether or not the proposal meets the relevant criteria.

The BOP does not intend, and has no obligation, to refer to other Volumes if the Decisional Rule Criteria is not met.

(1) To be considered, the offeror submitting the proposal must clearly demonstrate at the time of proposal submission it has corporate experience operating secure corrections/detention facilities for a continuous three year period as of the date the RFP was issued; and (Page Limitation 5 pages)

(2) To be considered, the offeror submitting the proposal must have submitted a Phase I Survey, conducted in accordance with the instructions and within the geographic area outlined in the Commerce Business Daily announcement of April 2000. Do not re-submit the survey. The Government will only accept offers for which a Phase I Survey has been submitted.

- (d) To be considered responsible, the offeror must clearly demonstrate at the time of final proposal revision the offeror has legal authority to operate a private prison housing federal inmates at the proposed site(s). The offeror shall provide information setting forth its legal authority to operate such a facility including references to current legislative authority and a description of the process by which the offeror will ensure it has the requisite authority to carry out functions such as, but not limited to: operating the private prison facility; detaining federal inmates; using force as necessary; and, preventing escapes.

**L.8 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME #2:
TECHNICAL PROPOSAL**

- 1) Volume #2 consists of the offeror's technical approach to performing the requirement, the offeror's technical capabilities and the technical effort the offeror would apply to satisfy the requirements of the SOW. Since each offeror's Technical Proposal will be evaluated in accordance with Section M, it should be practical and prepared simply and economically, providing a straightforward, concise delineation of what it is the offeror will do to satisfy the requirements of the RFP.

Proposal page limitations will be strictly enforced. Proposal content exceeding the specified page limitation will not be evaluated.

- 2) The proposal should not merely offer to perform work in accordance with the SOW, but shall describe the actual work proposed as specifically as practical. The SOW reflects the requirements and objectives of the program under consideration; therefore, repeating or paraphrasing the SOW without sufficient elaboration is not acceptable.

(a) Format and Content

- (1) Volume #2 shall include the following components:

- Table of Contents
- List of Attachments, Tables and Figures
- Technical Discussion

Technical proposals shall be submitted in both paper copies and electronic format. Electronic copies may be submitted on Compact Disk (CD-ROM) or 3 ½" Floppy Diskette in Word Perfect (Read Only) or Adobe Acrobat (PDF) format.

- (2) Technical Discussion. This section shall describe the offeror's approach to performing the requirement. It must clearly address each issue identified below in as much detail as practical.
- (3) Multiple Performance Locations. Offerors may identify multiple performance locations in a single proposal. To avoid submitting redundant information, the proposal shall include a single Volume #2-A. Offerors shall submit a Volume #2-B for each performance location identified in the proposal.

TECHNICAL PROPOSAL: VOLUME #2-A

1. ADMINISTRATION AND MANAGEMENT

- (a) Quality Control Plan. The offeror shall describe its approach to evaluating and monitoring the operation of the facility during contract performance and how the offeror's Quality Control Plan will be coordinated with the Quality Assurance Plan administered by the BOP.
- (b) Organizational Structure. Each offeror shall provide a diagram of the proposed organizational structure. The diagram shall detail the corporate and facility lines of authority for this effort (including all proposed subcontracting and lease-hold relationships) and the relationship of the organizational structure to both the BOP and the offeror's corporate office. Page Limitation (3 Pages).
- (c) Training. The offeror shall submit a chart which clearly and concisely illustrates the training and staff development programs for all categories of facility personnel (paid and volunteer).
- (d) Equal Employment Opportunity/Cultural Awareness.
 - 1) The offeror shall submit a plan for the employment of qualified staff and identify the offeror's goals for equal employment opportunity. Page Limitation (5 pages).

2. INSTITUTION OPERATIONS

- (a) The offeror shall describe its approach for maintaining accountability of all offenders assigned to the

institution. Page Limitation (3 pages).

- (b) The offeror shall describe its approach to control, identify and eliminate contraband from the institution. Page Limitation (3 pages).
- (c) The offeror shall describe its approach to responding to institution emergencies including assistance from local and/or state authorities. Page Limitation (10 pages)

3. INSTITUTION SERVICES

- (a) The offeror shall discuss inmate receiving and orientation policies and procedures. Page Limitation (5 pages)
- (b) The offeror shall discuss its approach to the administrative and operational implementation of the institution medical program. Page Limitation (5 pages)

4. OFFENDER PROGRAMS

- (a) The offeror shall submit a detailed list of all work, education, and recreation programs to be provided for this requirement. Each identified program shall include a brief description of the program's characteristics.
- (b) The offeror shall discuss its approach to providing food services to the inmate population. Page Limitation (3 pages).

TECHNICAL PROPOSAL: VOLUME #2-B

1. ACTIVATION AND STAFFING

- (a) Contract Activation.
The offeror shall submit:
 - 1) A detailed schedule of the activation process; to identify anticipated dates from contract award to issuance of the notice to proceed.
 - 2) An on-site staff reporting schedule;
 - 3) A complete list of all contractor policies to be developed and implemented. The list shall include the date each policy will be submitted for BOP review; and

- 4) A description of how the contractor will coordinate activation with the BOP.

(Schedules shall reflect project calendar days; track task start/finish/duration; identify individual tasks and their relationship to other tasks.)

(Schedules shall reflect project calendar days; track task start/finish/duration; identify individual tasks and their relationship to other tasks.)

- (b) Project Coordinator and Warden. The offeror shall identify the proposed Project Coordinator and Warden for this requirement. For both positions, the offeror shall provide the individual's name, current employment status and a resume. The resume shall include, at a minimum, directly related work experience, professional development applicable to the specific position and performance record in directly related fields. Page Limitation (3 pages per individual).
- (c) Human Resources. The offeror shall submit a list of all personnel necessary for the performance of the contract. The list shall be organized by department and clearly and concisely illustrate: each position title; number of working days per week; number of staff per shift; relief factor; total number of full time equivalents for each position title, department, and total compliment; applicable hourly rate and annual pay schedule.

2. PHYSICAL PLANT

- (a) The offeror shall specify the location of the proposed facility by providing the address and identifying the site on a general location map and a local area map.
- (b) The offeror shall identify the rated capacity of the proposed facility.
- (c) The offeror shall submit half size prints of facility site plan (Scale of original document: Minimum 1" = 100 feet) showing the location of buildings, roads, fences, parking lots, walkways, and other major site improvements.
- (d) The offeror shall submit half-size prints (Scale of original document: 1/8" = 1 foot) of architectural floor plans for each building showing:
 - 1) Name/function of all rooms;

- 2) Total gross square footage of each program area and entire facility;
 - 3) Entry into the secure perimeter by means of a secure entry point;
 - 4) Physical Plant security details including, but not limited to, secure walls, security doors, secure ceilings, control center, sally ports, secure perimeter;
 - 5) Location of required government-occupied space.
- (e) The offeror shall explain the proposed facility's compliance status with the following:
- (1) Handicapped accessibility requirements;
 - (2) Building code requirements;
 - (3) Fire safety and life safety requirements;
- and provide appropriate substantiation for each (e.g., certificates, licences, etc.). If the facility is presently non-compliant, the offeror shall explain what action it will take to become compliant prior to the date scheduled for issuance of the notice to proceed.

Offerors are encouraged to submit Physical Plant information prior to the due date for proposals in order to assist the Government in reducing the evaluation period. By submitting a proposal, the offeror agrees to provide the necessary access and personnel to facilitate a tour of the proposed site by Bureau of Prisons staff or their representatives.

3. Other

Proposal information unique to the performance location which was requested by, but not previously addressed in, Volume #2-A, may be provided. The order of information provided shall be consistent with format required by Volume #2-A.

L.9 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME #3 - PAST PERFORMANCE AND EXPERIENCE INFORMATION

A. General

The Past Performance and Experience Proposal shall serve to

gather information regarding the quality of an offeror's past performance and the extent of an offeror's experience performing secure corrections/detention type services.

B. Format and Content

Offerors shall submit Past Performance and Experience information in electronic format. The information may be submitted on Compact Disk (CDROM) or 3½" Floppy Diskette in one (1) of the following formats:

Word Perfect (Read Only)
Adobe Acrobat (PDF File)
Visioneer PaperPort (MAX File)

At a minimum, the submission shall contain the information specified below in accordance with the following general format:

Table of Contents
List of Tables and Exhibits
Past Performance Information
Corporate Experience

Offerors are encouraged to submit Past Performance and Experience information prior to the due date for proposals, to assist the Government in reducing the evaluation period.

Offerors shall submit a list of all contracts and subcontracts related to secure corrections/detention services completed during the past three years and all contracts currently in progress. Contracts listed may include those entered into with the Federal Government, agencies of state and local governments and commercial customers.

Include the following information for each contract and subcontract:

- (1) Name of contracting activity;
- (2) Contract number;
- (3) Contract type (i.e., cost reimbursement, fixed-price);
- (4) Date of contract award and expiration
- (5) Total contract value and per diem rate(s);
- (6) Definition of contract work;
- (7) Contracting Officer and telephone number;
- (8) Program Manager and telephone number;
- (9) Administrative Contracting Officer (if different from #7 above) and telephone number; and,
- (10) List of prime contractor or major subcontractors with

contact names, addresses and telephone numbers.

Corporate Experience. The offeror shall provide the following information for each contract listed above:

- (1) If the contract was competitive or sole source and if the present contract was awarded as a follow-on contract;
- (2) Identify any change orders/modifications to the contract subsequent to award, the basis of the change and the dollar value;
- (3) Identify if the operation has been accredited by the ACA, JCAHO and/or other professional organizations and the date of each accreditation;
- (4) In a brief narrative, describe the extent to which the contract was/is similar to the requirements identified by this RFP (i.e., population quantity, population security level, size and complexity of staff compliment, quality control approach). A technical description sufficient to permit assessment must be provided to support the similarity;
- (5) Provide data representing the number of occurrences for the following listed incidents:
 - (1) Escape;
 - (2) Food/Work Strike;
 - (3) Disturbances involving ten offenders or more
- (6) Provide information on problems encountered on the identified contracts and the corrective action taken.

L.10 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME #4 - ENVIRONMENTAL DOCUMENTATION

Volume #4 consists of the offeror's environmental documentation which identifies the potential environmental impacts, proposed mitigation, and any other relevant information pertaining to the impacts of the offeror's proposal. The documentation shall be completed in accordance with Attachment # 16, *Environmental Documentation for Privatized Correctional Institutions*. Each offeror's environmental documentation will be evaluated in accordance with Section M.

Disclosure of information:

Information submitted by any potential offeror in Volume #4 shall not be considered "Proprietary Information." The Government reserves the right to publicly disclose any information submitted, it deems necessary.

L.11 INTENTION TO PROPOSE

To enable the BOP to anticipate the number of submissions to be evaluated for this solicitation, complete the information contained in Section J, Attachment #13 and mail or fax your response to the address shown in the Attachment by the earliest practical date.

L.12 INFORMATIONAL STATEMENT OF WAGES AND FRINGE BENEFITS

This action is subject to the requirements of the Service Contract Act (SCA) of 1965, as amended. Contractors not familiar with obligations under this statute place themselves in significant jeopardy if non-compliant during performance of a Federal contract. Any questions regarding the extent of the obligation by the contractor under the SCA should be addressed to the U.S. Department of Labor (DOL).

L.13 FREEDOM OF INFORMATION ACT

The Freedom of Information Act (FOIA) and its amendments have resulted in an increasing number of requests to Federal agencies for copies of Technical and Business Proposals from other than Government sources.

The offeror should identify information in its proposals the offeror believes should be withheld from these sources, on the basis the proposals consist of "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (exemption (b) (4) of the FOIA).

This identification will assist in the decision by a responsible Federal official to disclose or withhold the requested information.

If an offeror considers elements of its proposal to be exempt under FOIA, ensure the following notice is annotated on the title page of the proposal:

Elements of this document, as identified on individual pages, are considered by the submitter to be privileged or confidential trade secrets or commercial or financial information not subject to mandatory

disclosure under the Freedom of Information Act.
Material considered privileged or confidential on this
basis is contained on pages ____

The offeror must annotate each individual item it considers privileged or confidential under the FOIA exemption with the following notice:

The data or information is considered confidential
privileged, and not subject to mandatory disclosure
under the FOIA.

All information in an offeror's proposal not designated may be subject to automatic public disclosure if it is requested under the FOIA. It must be emphasized that under the FOIA no information is automatically exempt from public disclosure. However, no disclosures will be made without careful evaluation, giving due regard to the need for safeguarding material considered privileged or confidential by the offeror. It is Department of Justice policy to withhold whenever possible material that is genuinely privileged or confidential.

L.14 DISPOSITION OF PROPOSALS

Following selection of the successful contractor and contract award, unsuccessful proposals will be disposed of by retaining one copy at the contracting office having issued the solicitation and destruction by shredding the remaining copies.